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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,610	02/19/2004	Vladek Kasperchik	10004809-1	1622

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SHEWAREGED, BETELHEM

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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11/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/783,610	Applicant(s) KASPERCHIK ET AL.	
	Examiner Betelhem Shewareged	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-49 is/are pending in the application.
- 4a) Of the above claim(s) 15-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief under 37 CFR 41.37 filed on 09/04/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.
2. To avoid abandonment of the application, appellant must exercise one of the following two options:
 - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.
3. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:
4. Claim 6 is canceled, claims 1-5 and 7-49 are pending. Currently, claims 15-35 are withdrawn from consideration as non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-13 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887) and Segel (US 4,378,392).

7. Otaki teaches a laminate comprising a transparent protective layer 206, a hologram 201, a transparent adhesive 205b, a recorded information 202, and a transparent film 203, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 meets the claimed protective layer, the hologram 201 meets the claimed metallic layer, the transparent adhesive 205b meets the claimed adhesive layer, and the transparent film 203 and the information 202 meet the claimed printable layer. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-57). The writing layer meets the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 um (col. 32, line 43). Otaki does not teach having a light stabilizer additive in any of the layers. However, Segel teaches a laminate including an adhesive layer (Fig.

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1, col. 4, line 45), wherein the adhesive layer comprises UV light stabilizers (col. 6, line 7). Otaki and Segel are analogous art because they are from similar problem solving area in relation to adhesives. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the UV stabilizer containing adhesive layer of Segel with the invention of Otaki, and the motivation would be, as Segel suggests, controlling the UV light stabilizing property of the layer (col. 6, line 6).

8. Otaki does not teach a metal hologram. However, Coates teaches a metal hologram having a thickness of 0.02 to 0.1um (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken because changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

9. Applicant's arguments with respect to claims 1-5, 7-13 and 49 have been considered but are moot in view of the new ground(s) of rejection. The reference of Segel is combined with Otaki to teach the claimed additives.

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10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).

11. Otaki teaches a laminate comprising a transparent protective layer 206, a hologram 201, a transparent adhesive 205b, a recorded information 202, and a transparent film 203, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line 63). The transparent protective layer 206 meets the claimed protective layer, the hologram 201 meets the claimed metallic layer, the transparent adhesive 205b meets the claimed adhesive layer, and the transparent film 203 and the information 202 meet the claimed printable layer. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-57). The writing layer meets the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 um (col. 32, line 43). Otaki does not teach a metal hologram. However, Coates teaches a metal hologram having a thickness of 0.02 to 0.1um (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken that changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been

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obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

12. Applicant's argument is based on that the methods of Coates, such as sputtering and vacuum depositing the layer of metal, would not create a foil. This argument is not persuasive for the following reason. Applicant's argument is based on a process limitation while the claimed invention is directed to an article, and the process by the metal layer/foil is formed is not dispositive of the issue of the patentability of the instant article claims. Furthermore, even though the metal hologram of Coates is provided via sputtering and vacuum depositing, there is nothing that suggests the layer is not self supporting after it has been formed. The type of metal is substantially identical to the type of metal of the claimed invention, and the thickness of the metal hologram is within the thickness of the claimed invention; therefore, the reference provides enough evidence to conclude that after the metal hologram of Coates is formed, a metal foil would be created.

13. Claims 36-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otaki et al. (US 6,849,149 B2) in view of Coates (US 4,893,887).

14. Otaki teaches a laminate comprising a transparent protective layer 206, a hologram 201, a transparent adhesive 205b, a recorded information 202, and a transparent film 203, in the order thereof (Fig. 10 and col. 26, line 47 thru col. 37, line

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63). The transparent protective layer 206 meets the claimed protective layer, the hologram 201 meets the claimed metallic layer, the transparent adhesive 205b meets the claimed adhesive layer, and the transparent film 203 and the information 202 meet the claimed printable layer. The transparent film can be made of polyethylene terephthalate or polyethylene (col. 34, line 30 and col. 32, line 46). In order to improve the writing quality, a writing layer formed by coating a coating composition with fine particles, such as silica, being incorporated therein is provided on the transparent film (col. 34, lines 53-57). The writing layer meets the claimed ink receiving layer. The transparent protective film is made of acrylic (col. 32, line 46), and has a thickness of 10-100 um (col. 32, line 43). The information 202 is provided on the transparent film 203 (col. 34, line 26), thus at least in this embodiment the hologram 201 is information 202 free. Otaki does not teach a metal hologram. However, Coates teaches a metal hologram having a thickness of 0.02 to 0.1um (col. 2, line 42). Coates does not teach adding a colorant to the metal hologram. However, Official Notice is taken because changing the color of an article by adding a colorant is a common knowledge. At the time of the invention it would have been obvious to a person of ordinary skill in the art to control/change the color of the metal hologram by adding the desired colorant. Otaki and Coates are analogous art because they are from the same field of endeavor that is the hologram laminate art. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the metal hologram of Coates with the invention of Otaki in order to provide a reflective and durable hologram.

Response to Arguments

15. Applicant's argument is based on that Coates does not teach or suggest image free metallic film. This argument is not persuasive because the metallic layer of Coates is not imaged or embossed at all times. At least one embodiment teaches metallic layer that is not imaged or embossed (see col. 2, lines 5-15 of Coates). In Coates, image formation or embossing is done after the metallic layer is formed (col. 1, line 31 and col. 2, line 19, respectively). However, in the embodiment disclosed in col. 2, lines 5-15, both image formation and embossing on the metallic layer are absent; therefore, at least in this embodiment the metallic layer of Coates is not imaged or embossed.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is (571)272-1529. The examiner can normally be reached on Monday-Friday 9am-5pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BS

November 16, 2008.

/Betelhem Shewareged/
Primary Examiner, Art Unit 1794

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1794